

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 9

In the Matter of

RAYTHEON AEROSPACE L.L.C.

Employer

and

Case 9-RC-17631

GENERAL TRUCK DRIVERS, CHAUFFEURS,
WAREHOUSEMEN & HELPERS LOCAL 957,
AFFILIATED WITH THE INTERNATIONAL
BROTHERHOOD OF TEAMSTERS, AFL-CIO

Petitioner

DECISION AND DIRECTION OF ELECTION

Upon a petition duly filed under Section 9(c) of the National Labor Relations Act, as amended, herein called the Act, a hearing was held before a hearing officer of the National Labor Relations Board, herein called the Board.

Pursuant to the provisions of Section 3(b) of the Act, the Board has delegated its authority in this proceeding to the undersigned.

Upon the entire record in this proceeding, ^{1/} the undersigned finds:

1. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.
2. The Employer is engaged in commerce within the meaning of the Act, and it will effectuate the purposes of the Act to assert jurisdiction.
3. The labor organization involved claims to represent certain employees of the Employer.
4. A question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9(c)(1) and Section 2(6) and (7) of the Act.

^{1/} The Employer and Petitioner timely filed briefs which I have carefully considered in reaching my decision.

5. The Employer performs maintenance services for the United States Government at various locations throughout the United States including Wright Patterson Air Force Base at Fairborn, Ohio, the only location involved in this proceeding. The Petitioner seeks to represent a unit of approximately 28 employees ^{2/} consisting of the Employer's transient maintenance employees, aircraft ground equipment employees, fabrication employees, quality control employees and dispatchers employed under the Employer's logistics support contract at the Base. The parties are in agreement, the record reflects and I find that the unit sought is appropriate for purposes of collective bargaining.

The Petitioner, contrary to the Employer, asserts that Robert Stemple, transient lead; Ken Stanley, transient lead; Eric Littrell, aircraft ground equipment (AEG) lead; Thomas Franjesevic, fabrication lead; and Kelli Moulden, quality control lead; collectively referred to on the record as the leads, are supervisors within the meaning of Section 2(11) of the Act and should be excluded from the unit on that basis. The Employer would include in the unit the four scheduled part-time employees but would exclude the two casual part-time employees. The Petitioner maintains that the part-time employees who meet the Board's 4-hour standard ^{3/} should be included in the unit and that those who do not satisfy the formula should be excluded. Having carefully considered the entire record and arguments of the parties and for the reasons set forth below, I will exclude the leads from the unit as statutory supervisors. However, I have included in the unit the regularly scheduled part-time employees and established a formula to determine the eligibility of the casual employees.

Louis Dann, site manager, is the Employer's highest ranking official at the Base. Kelli Moulden, quality control lead, and Alan Cook, maintenance operations control center supervisor, report directly to Dann. ^{4/} Ken Stanley, transient lead; Robert Stemple, transient lead; Eric Littrell, AEG lead; Thomas Franjesevic, fabrication lead; and the dispatcher all report directly to Cook. ^{5/}

The transient maintenance section operates from 5 a.m. to midnight 7 days a week and is responsible for servicing aircraft which land at and take off from the base. Stanley is the first shift transient lead and Stemple is the second shift transient lead. In addition to the leads, there are six full-time employees on each of the shifts in transient maintenance. The transient leads do not work on the weekends. The full-time transient employees work alternate weekends. The

^{2/} This number of employees includes the two casual employees discussed below.

^{3/} An apparent reference to the standard set forth in *Davison-Paxton Company*, 185 NLRB 21, 24 (1970)

^{4/} The record shows that both Dann and Cook possess authority to discipline employees and their supervisory status is not disputed. Accordingly, I find that they are supervisors within the meaning of Section 2(11) of the Act.

^{5/} Evidence concerning the Employer's supervisory hierarchy and the number of employees working at the Base is contained in Petitioner's Exhibit 3 which is a 6-page document described on the record as a telephone notification list. The appearance of the telephone notification list is similar to an organization chart and the Petitioner adduced evidence that it reflects the Employer's chain of command at the Base. The Employer elicited evidence that the telephone notification list is not intended to be an organization chart, but the testimony that it does, in fact, reflect the chain of command is uncontroverted. Because the supervisory hierarchy reflected on the telephone notification list is consistent with the record as a whole, I find that it does reflect the Employer's organizational structure at the Base. The dispatcher is shown on the telephone notification list as the MOCC clerk.

telephone notification list reflects that there are six part-time mechanics in transient maintenance. Four of those part-time mechanics are referred to by the Employer as scheduled part-timers and they work 16 hours on alternate weekends. Two of the part-time mechanics are referred to as casual employees who work on an irregular basis for a number of hours which is not disclosed on the record.

The AEG section is responsible for maintaining ground equipment use by the transient maintenance employees. Littrell is the AEG lead who has responsibility for six AEG employees who all work one shift from 7:30 a.m. to 4:30 p.m. during the week.

Franjesevic is the fabrication lead and is responsible for one other fabrication employee. The fabrication section services such things as aircraft life preservers and life rafts as well as pilots' flight suits. They work the same hours as the AEG section.

The quality control section is responsible for insuring compliance with the Employer's contract with the Base. Moulden, the quality control lead, has responsibility for two other quality control employees. The quality control employees work varying hours to provide coverage for all of the Employer's operations at the Base.

THE LEADS:

Most of the evidence concerning the leads' responsibilities with respect to other employees relates to the authority of Stemple and Stanley, the transient leads. Dann generally testified that all leads discuss disciplinary situations with Cook and Dann in the process of deciding whether disciplinary action is appropriate; that the leads sign, deliver and discuss disciplinary actions with the affected employee; that the leads complete employee evaluation forms; that the leads consider company policy and work load in deciding whether an employee may take vacation, personal time or leave work early; and that he told employees to check with their leads if they wanted to take time off in lieu of working more than 40 hours in a week. It appears from this testimony that all of the leads possess equal authority with respect to other employees and there is no evidence or assertion to the contrary. All leads wear insignia on their uniforms identifying them as supervisors which is a further indication that they all possess the same authority regarding other employees.

The job description for the transient leads reflects that they, among other things, supervise and direct other employees,^{6/} assign and prioritize the work of other employees, review work to insure that it is properly completed, initiate actions to correct rules infractions, insure that employees under their direction are treated fairly and equally and given the opportunity to seek resolution of questions through management and assist in the preparation of evaluations.

^{6/} The job description for aircraft worker, a position which both parties agree should be included in the unit, reflects that they supervise aircraft servicers, another position which is undisputedly included in the unit. Thus, the words "direct" and "supervise" as used in the job descriptions are not probative of whether the incumbent supervises or directs employees in the statutory sense.

Dann testified that both Stemple, a transient lead, and Moulden, the quality control lead, participated in employee interviews. Dann explained that Stemple participated in the pre-employment interview of Mark Foster, a current employee in transient maintenance, because Stemple possessed the ability to determine the degree of the applicant's technical abilities which Dann, due to lack of technical expertise, was unable to do. Stemple told Dann that Foster was more technically qualified than another applicant and recommended that Foster be hired. Dann recalled that Moulden, the quality control lead, participated in the pre-hire interview of John Lewandowski, a current quality control employee, for the same reason. Dann states that he makes the final hiring decisions but that no lead has ever made a recommendation regarding hiring that was not followed. Similarly, Jason Portemont, a transient maintenance employee, recalled that Stemple, a transient lead, participated with Dann and Cook when they interviewed Portemont for a promotion and that Stemple asked several technical questions of him.

Annual employee evaluation forms are completed by the leads who forward them to Cook and Dann for review prior to the lead signing the evaluation form as the supervisor and giving it to the affected employee.^{7/} The form is then returned to Dann who signs it as the reviewer and forwards it to the corporate office, retaining a local copy. The form provides for employees to be numerically rated with a score of 1 (lowest) to 9 (highest) in seven specific categories as well as an overall category. The job knowledge, work output, work quality/safety and career potential categories appear to relate to the employee's technical abilities while the other categories of dependability, cooperation, and initiative apparently do not. The evaluation form also contains places to enter narrative comments from the supervisor (lead) and the employee as well as a common statement of goals for the next rating period. The career potential category requires the supervisor to assess the employee's potential for further advancement and promotion. The evaluation forms do not affect employees' pay but they are considered in promotion decisions.^{8/} Dann estimates that he makes changes to about 30 to 40 percent of the evaluations prepared by the leads and that Cook makes changes to about 40 to 50 percent of them. Dann explained that he rarely makes changes to evaluations after they are reviewed by Cook and that some evaluations are not changed by either Dann or Cook. The nature of the changes made by Cook and Dann is not reflected in the record. Bobby Glascock, a transient maintenance employee, recalled that he disputed an evaluation prepared by a lead by writing in the employee comments section of the evaluation form and that Dann made the lead change Glascock's rating due to lack of documentation for a low rating. Dave Richards, a transient maintenance employee, testified that Dann told Stanley, a maintenance lead, to disregard a reprimand when writing Richards' evaluation because the letter had been rescinded.

Dann testified that leads bring disciplinary matters to him or Cook for discussion and that Dann tells the leads what he thinks they should do about it. Dann reviews all disciplinary actions prior to issuance. The leads sign the disciplinary action and read it to the affected employee. In severe disciplinary situations, Cook or Dann may discuss the discipline with the affected

^{7/} At page 13 of its brief, the Employer asserts that the evaluation forms in evidence are incomplete because they do not contain all of the necessary signatures and dates nor modifications made by Cook or Dann. The evidence shows however, that the evaluations are reviewed by Cook and Dann prior to being given to the affected employee by the lead. It would appear, therefore, that the evaluation forms in evidence, which were ones given by the leads to the employees, reflect the input of the leads, Cook and Dann.

^{8/} See Dann's testimony at pages 260 and 268 of the transcript. The Employer's assertion at page 13 of its brief that the evaluations do not affect employees' terms and conditions of employment is factually incorrect.

employee. The Employer's progressive disciplinary policy provides for the issuance of a verbal counseling followed by a written warning followed by suspension.^{9/} Dann must approve all verbal counselings and written warnings. However, Dann does not have the authority to approve suspensions.

The only specific example in the record of a disciplinary action is a typewritten written reprimand in the form of a memorandum dated February 7, 2002 issued on February 8 by Stanley, a transient lead, to David Richards, a transient maintenance employee, for failure to attend an FOD (foreign object damage) walk on February 7 as directed by Stanley. The reprimand was signed by Stanley and indicates that Richards refused to sign it. No other signature spaces appear on the reprimand. The memorandum mentions prior verbal warnings and recommends that a written reprimand issue. According to Dann, Stanley initially approached Cook about Richards' failure to attend the FOD walk and told Cook that something ought to be done about it. Stanley and Cook then presented the matter to Dann in writing recommending the issuance of a written reprimand.^{10/} Dann told them to deliver the reprimand to Richards which was accomplished by Stanley. Dann does not recall whether he made any changes to the reprimand before it was delivered to Richards. According to Richards, prior to the time that Stanley gave him the reprimand, no one talked with him about his failure to attend the FOD walk or the reprimand. Richards prepared a rebuttal to the reprimand dated February 19, 2002 which he signed and gave to Stanley who also signed it. Shortly thereafter Dann called Richards to his office and asked him why he thought the reprimand was unfair. When Richards replied that a co-worker told him to remain with an aircraft until the flight crew returned for a launch, Dann replied that Richards worked for Stanley and not the co-worker.

Employees submit their written requests for vacation time, personal time, or to leave work early to their leads who approve those requests. There was no evidence that the leads consult with Cook or Dann in approving those requests. Dann promulgated a policy prohibiting more than one employees in the same section and shift from taking vacation or personal time at the same time. According to Dann, the leads must consider this policy as well as the anticipated work load during the period of the absence in deciding to approve these requests for time off. Dann further testified that Cook maintains a time off calendar for the purpose of enforcing the time off policy and that Cook could deny a request in violation of the policy.

The transient maintenance employees report their absences to the transient leads who also approve their time cards. The transient leads may ask transient maintenance employees to start

^{9/} There was testimony that employees may go to quality control employees to ask them to research a work check list infraction or a safety issue but there was no evidence that such consultations with quality control involve the Employer's progressive disciplinary system.

^{10/} The face of the reprimand indicates that only Stanley authored it and there is no indication on the memorandum that any other person participated in the decision to issue the reprimand. Thus, it would appear from the memorandum that it was Stanley's decision alone to issue the reprimand. The record does not reflect what, if any, input that Cook might have had in actually deciding to issue the reprimand or whether the memorandum was prepared by Stanley before or after he initially brought the matter to Cook. The evidence shows that the reprimand had been reduced to writing before Dann became aware of the situation and there is no evidence that Dann made any changes in it. Accordingly, in the absence of evidence to the contrary, I accept the face of the memorandum for what it appears to be and infer that Stanley made an initial recommendation that a written reprimand issue and that the recommendation was followed.

work early or to work overtime but the record does not reflect whether the employees are required to comply with these requests.^{11/} It appears the leads in other areas have the same authority.

The record contains some evidence that the leads direct the work of other employees. I am unable, however, to determine from the evidence whether such direction requires the use of independent judgment.

The leads' pay is 3 percent greater than the employees under their responsibility. They attend meetings with Dann and Cook which are not attended by the other employees. Employees and Dann routinely refer to the leads as supervisors. The record indicates, at least, with respect to the transient leads that they spend about 10 to 25 percent of their time servicing aircraft along with transient maintenance employees.

ANALYSIS:

Section 2(11) of the Act defines a supervisor as a person:

... having the authority in the interest of the employer to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibly to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

In *Entergy Systems & Services*, 328 NLRB 902 (1999), the Board held that the authority involved in any of the functions enumerated in Section 2(11) must be in the interest of the employer and require the use of independent judgment, that the statutory language is to be read in the disjunctive and that the possession of any one of the indicia is sufficient to confer supervisory status. The party asserting supervisory status has the burden of proving such status. *NLRB v. Kentucky River Community Care*, U.S. 121 S.Ct. 1861 (2001). It is the *possession* of authority defined in Section 2(11) rather than its *exercise* which is determinative of supervisory status. *Wilson Tree Company*, 312 NLRB 883, 885 (1993); *Grove Truck and Trailer*, 281 NLRB 1194 (1986).

It is noted, however, that in enacting Section 2(11) of the Act, Congress emphasized its intention that only supervisory personnel vested with “genuine management prerogatives” should be considered supervisors and not “straw bosses, leadmen, set-up men and other minor supervisory employees.” See, **Senate Rep. No. 105, 80th Cong., 1st Sess. 4**, reprinted in **1 NLRB Legislative History of the Labor Management Relations Act, 1947**. See also, *Chicago Metallic Corp.*, 273 NLRB 1677, 1688 (1985); *NLRB v. Bell Aerospace Co.*, 416 NLRB 267, 280-281, 283 (1974). Although the possession of any one of the indicia specified in Section 2(11) of the Act is sufficient to confer supervisory status, such authority must be exercised with

^{11/} When asked whether there was a limit on the amount of overtime a lead could approve, Dann testified that a lead wouldn't just arbitrarily approve overtime, that it would go to Cook or Dann, but there was no limit.

independent judgment and not in a routine manner. *Hydro Conduit Corp.*, 254 NLRB 433, 437 (1981). Thus, the exercise of “supervisory authority” in merely a routine, clerical or perfunctory manner does not confer supervisory status. *Feralloy West Corp. and Pohng Steel America*, 277 NLRB 1083, 1084 (1985); *Chicago Metallic Corp.*, supra; *Advanced Mining Group*, 260 NLRB 486, 507 (1982). Moreover, in the event that “the evidence is in conflict or otherwise inconclusive on particular indicia of supervisory authority, [the Board] will find that supervisory status has not been established at least on the basis of those indicia.” *Phelps Community Medical Center*, 295 NLRB 486, 490 (1989). Conclusionary evidence regarding the possession of Section 2(11) indicia, whether the evidence is contained in job descriptions, *Crittendon Hospital*, 328 NLRB 879 (1999), or testimony, *Sears, Roebuck & Co.*, 304 NLRB 193 (1991), is insufficient to establish supervisory status. Thus, where there exists general conclusionary evidence that individuals are responsible for supervising, directing, or instructing others, such evidence, standing alone, is deemed insufficient to prove supervisory status because it does not shed light on exactly what is meant by such general conclusionary words or whether an individual engaging in these activities is required to exercise independent judgment. As the Seventh Circuit aptly noted in *Westinghouse Electric Corp. v. NLRB*, 424 F.2d 1151 (7th Cir. 1970), there is enough play in the meaning of such terms that the Board is not bound to equate them with supervision in the statutory sense.

Here, the evidence shows that the Employer relies upon the leads' technical knowledge to assess the abilities of applicants for hire and promotion. Because the leads also assess employees' abilities in technical categories on the evaluation form, it would appear that the Employer relies on their technical knowledge for that purpose as well. The Employer's reliance on the leads to assess the technical abilities of applicants and employees is necessitated by Dann's inability to make such an assessment. I, therefore, conclude that the leads' recommendations with respect to employees' technical abilities are effective. *Rose Metal Products*, 289 NLRB 1153 (1988).^{12/} Inasmuch as a comparison of abilities among applicants or employees involves the subjective exercise of discretion, I find that the leads' recommendations with respect to applicants' and employees' technical abilities require the use of independent judgment rather than being routine or clerical in nature.

The record establishes that the leads are the persons who are primarily responsible for dealing with employees concerning disciplinary matters. The evidence indicates that the leads initiate disciplinary actions, make recommendations with respect to whether discipline should issue, prepare and sign disciplinary notices and discuss the discipline with the affected employee. Because Richards was not consulted regarding the FOD walk prior to Stanley's issuance of the reprimand to him, it would appear that neither Dann nor Cook conducted an independent investigation of the incident. These circumstances suggest that leads' recommendations with respect to the discipline are effective. *Detroit College of Business*, 296 NLRB 318, 319 (1989); *Delta Carbonate, Inc.*, 307 NLRB 118, 120 (1992); *Rose Metal Products*, supra.

^{12/} *Ahrens Aircraft, Inc.*, 259 NLRB 839, 843 (1981), relied upon by the Employer in its brief, is distinguishable. There, the ALJ found that evaluations prepared by shop supervisors and reviewed by higher ranking officials did not confer supervisory status on the shop supervisors. However, the ALJ, in concluding that the evaluations prepared by the shop supervisors did not have any decisive effect, also found that the higher ranking officials considered their personal knowledge of the evaluated employee's work habits in making changes to the evaluations. Unlike the situation in *Ahrens*, the evidence in the instant matter suggests that the Employer relies on the leads' assessments of employees' technical abilities in the evaluations and that the leads' recommendations in that regard are effective.

The Employer in its brief correctly cites *Ken-Crest Services*, 335 NLRB No. 63 (2001); *VIP Health Services v. NLRB*, 164 F.2d 644 (D.C. Cir. 1999); *Misericordia Medical Center v. NLRB*, 623 F.2d 808, fn. 20 (2nd Cir. 1980); and *Vencor Hospital*, 328 NLRB 1136, 1139 (1999); for the proposition that the mere reporting of infractions or misconduct does not confer supervisory status. The leads' role with respect to disciplinary matters in the case at bar is more than merely reportorial because they actually recommend that discipline issue, sign disciplinary forms and deliver disciplinary actions to employees. Thus, in *VIP*, the Court's conclusion as to the supervisory status of field nurses was based on evidence that they relayed problems to higher authority but did not recommend any corrective action. In *Misericordia*, the Court found that the reporting of misconduct in the absence of authority to issue formal written warnings did not confer supervisory status. Here, the evidence demonstrates that the leads do, in fact, effectively recommend the issuance of formal written reprimands pursuant to the Employer's progressive disciplinary policy. The leads in the instant matter, unlike the RN team leaders in *Vencor*, make specific recommendations as to discipline and actually impose (deliver) the discipline itself. Unlike the situation in *Ken-Crest*, the written reprimand in evidence in the instant matter refers to prior verbal warnings which is an indication that the leads have the authority to impose discipline which is, in fact, progressive and that the issuance of a written reprimand has the potential to have a tangible effect on an employee's job status by taking the affected employee another step closer to suspension or discharge.

The evidence shows that the leads independently approve employees' requests for time off and offer overtime work to employees. Although the leads are constrained by company policy with regard to granting time off, an indication that their discretion is limited, they must also consider the work load and the need for the employees' presence at work. Thus, the leads exercise independent judgment in weighing the employees' desire for time off against operational needs in arriving at a decision as to whether time off should be granted. This evidence suggests that the leads exercise independent judgment affecting employees' work schedules, which is sufficient to confer supervisory status. *DST Industries*, 310 NLRB 957, 958 (1993); *Delta Carbonate*, supra.

There are additional factors indicating that the leads possess supervisory authority. For example, they receive employee notifications of absence, approve employees' time cards, are referred to by employees and management as supervisors, wear supervisory insignia on their uniforms, attend management meetings and receive more pay than the employees for whom they are responsible. Moreover, the record shows that employees are required to follow instructions given to them by the leads on pain of discipline.

The foregoing evidence shows that the leads use independent judgment in making effective recommendations in the process of hiring, promoting, rewarding and disciplining employees as well as making decisions concerning time off and overtime. I conclude, therefore, that the Petitioner has met its burden of establishing that the leads are supervisors within the meaning of Section 2(11) of the Act and I will exclude them from the unit. *NLRB v. Kentucky Health Care Community Center*, supra. ^{13/}

^{13/} *Chicago Metallic Corp.*, supra., cited in the Employer's brief, is distinguishable inasmuch as in that case, unlike the leads in instant matter, the ALJ found that person whose supervisory status was at issue lacked any authority to grant employees' requests for time off.

It is the Board's policy to include all regular part-time employees who perform substantially the same work as full-time employees in a unit with full-time employees. *Bob's Ambulance Service*, 178 NLRB 1, 2 (1969). Part-time employees who irregularly perform unit work on a casual or on-call basis are eligible to vote in representation elections where they regularly average 4-hours or more per week for the last quarter prior to the eligibility date for the election. *Davison-Paxton*, supra.; *Trump Taj Mahal Casino*, 306 NLRB 294 (1992). In the instant matter it is undisputed that all six of the scheduled part-time and casual part-time employees perform unit work. Their eligibility to participate in an election depends, therefore, on the regularity with which they perform such work. *Pat's Blue Ribbons*, 286 NLRB 918 (1987). Because the scheduled part-time employees regularly work alternate weekends, I conclude that they are regular part-time employees and are eligible to vote in the election. *Bob's Ambulance*, supra. However, inasmuch as the casual part-time employees apparently work on an irregular and unscheduled basis, I shall permit them to vote only if they satisfy the eligibility requirements set forth in *Davison-Paxton*, supra. See *Syracuse University*, 325 NLRB 162 where the Board noted that the eligibility of employees working on an irregular and unscheduled basis is determined by *Davison-Paxton*.

Based on the foregoing, the record as a whole and careful consideration of the arguments of the parties at the hearing and in their briefs, I find that the following employees of the Employer constitute a unit appropriate for the purposes of collective bargaining:

All full-time and regular part-time employees employed by the Employer at Wright Patterson Air Force Base under its logistics support contract including transient maintenance employees, aircraft ground equipment employees, fabrication employees, quality control employees and dispatchers, but excluding all office clerical employees, lead employees and all professional employees, guards and supervisors as defined in the Act.

Accordingly, I will direct an election among the employees in such unit.

DIRECTION OF ELECTION

An election by secret ballot shall be conducted by the undersigned among the employees in the unit found appropriate at the time and place set forth in the notice of election to be issued subsequently, subject to the Board's Rules and Regulations. Eligible to vote are those in the unit who were employed during the payroll period ending immediately preceding the date of this Decision, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off. Also eligible are employees engaged in an economic strike which commenced less than 12 months before the election date and who retained their status as such during the eligibility period and their replacements. Those in the military services of the United States may vote if they appear in person at the polls. Ineligible to vote are employees who have quit or been discharged for cause since the designated payroll period, employees engaged in a strike who have been discharged for cause since the commencement thereof and who have not been rehired or reinstated before the election date, and employees engaged in an economic strike which commenced more than 12 months before the election date and who have

been permanently replaced. Those eligible shall vote whether or not they desire to be represented for collective bargaining purposes by **General Truck Drivers, Chauffeurs, Warehousemen & and Helpers Local 957, affiliated with the International Brotherhood of Teamsters, AFL-CIO.**

LIST OF ELIGIBLE VOTERS

In order to insure that all eligible voters may have the opportunity to be informed of the issues in the exercise of their statutory right to vote, all parties to the election should have access to a list of voters using full names, not initials, and their addresses which may be used to communicate with them. *Excelsior Underwear, Inc.*, 156 NLRB 1236 (1966); *NLRB v. Wyman-Gordon Company*, 394 U.S. 759 (1969); *North Macon Health Care Facility*, 315 NLRB No. 359 (1994). Accordingly, it is hereby directed that within 7 days of the date of this Decision **2** copies of an election eligibility list, containing the full names and addresses of all the eligible voters, shall be filed by the Employer with the undersigned who shall make the list available to all parties to the election. In order to be timely filed, such list must be received in Region 9, National Labor Relations Board, 3003 John Weld Peck Federal Building, 550 Main Street, Cincinnati, Ohio 45202-3271, on or before **March 22, 2002**. No extension of time to file this list shall be granted except in extraordinary circumstances, nor shall the filing of a request for review operate to stay the requirement here imposed.

RIGHT TO REQUEST REVIEW

Under the provisions of Section 102.67 of the Board's Rules and Regulations, a request for review of this Decision may be filed with the National Labor Relations Board, addressed to the Executive Secretary, 1099 - 14th Street, N.W., Washington, D.C. 20570. This request must be received by the Board in Washington by **March 29, 2002**.

Dated at Cincinnati, Ohio this 15th day of March 2002.

Laura E. Atkinson, Acting Regional Director
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